


TECHNICAL MEMORANDUM

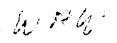
Utah Coal Regulatory Program

November 7, 2006

OK

TO: Internal File

THRU: Pamela Grubaugh-Littig, Permit Supervisor 

FROM: Wayne H. Western, Team Lead 

RE: Phase I Bond Release for Reclaimed Areas, PacifiCorp, Deer Creek Mine, C/015/0018 and Task ID #2674

SUMMARY:

On October 20, 2006, the Division received a request for Phase I bond release on approximately 0.6 acres at the Deer Creek Mine. The area contains five portals that the Permittee sealed in 1990 and they reclaimed the surrounding area in 1999. The Permittee has not requested any bond release associated with this action.

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TECHNICAL ANALYSIS:

RECLAMATION PLAN

APPROXIMATE ORIGINAL CONTOUR RESTORATION

Regulatory Reference: 30 CFR Sec. 784.15, 785.16, 817.102, 817.107, 817.133; R645-301-234, -301-412, -301-413, -301-512, -301-531, -301-533, -301-553, -301-536, -301-542, -301-731, -301-732, -301-733, -301-764.

Analysis:

The Permittee met the minimum requirements for restoring the site to the approximate original contours. The site was originally disturbed in 1992 (U.S.G.S Bulletin 819) when the road and two portals were constructed. In June 1977, the Permittee constructed three portals that they used to ventilate the Deer Creek Mine. Therefore, the site was conducted prior to SMCRA. Because the site was used both pre-SMCRA and post-SMCRA the site is classified and continuously mined areas (CMA.)

The requirements for achieving the approximate original contour requirements are couched in the R645-301 rules and consist of:

- **Final Surface Configuration:** The final surface configuration must closely resemble the general surface configuration of the land before mining. Since the site was disturbed before the passage of SMCRA, premining contour maps and cross sections are not available. The site does blend into to the surrounding area and the slopes are similar in length and steepness to those of the surrounding area.
- **All Spoil Piles are Eliminated:** There are no spoil piles on the site.
- **All Highwalls will be Eliminated:** In 1999, the Division, the United States Forest Service and the Permittee conducted a highwall survey at the Deer Creek Mine. The survey results were that there was sufficient fill material to eliminate all highwalls. The Permittee reclaimed all highwalls by December 1999 according to the approved plan.
- **Drainage Restoration:** The Division considers that the drainages have been restored to AOC if the general hydrologic requirements have been met.
- **Sediment Control:** The Division considers that the sediment controls requirements have been met if the general hydrologic requirements have been met.
- **Postmining Land Use:** The Division considers that the postmining land use meets the AOC requirements if the general postmining land use requirements have been met.

Findings:

The Permittee met the minimum requirements for restoring the site to the approximate original contours.

BACKFILLING AND GRADING

Regulatory Reference: 30 CFR Sec. 785.15, 817.102, 817.107; R645-301-234, -301-537, -301-552, -301-553, -302-230, -302-231, -302-232, -302-233.

Analysis:

General

The Permittee met the requirements for backfilling and grading by:

- Restoring the site to the approximate original contours. See AOC section of the TA for details.
- Eliminating all highwalls, spoil piles and depressions. All highwalls were eliminated and no spoil piles or depressions are on site
- Restoring the slopes to angles that meet a minimum safety factor of 1.3 and not exceeding the angle of repose. See safety factor calculations in the MRP.
- Minimizing erosion and water pollution both on and off the site. The Division considers that all erosion and water pollution standards are met when the hydrology standards have been met.

Findings:

The Permittee met the minimum requirements for the backfilling and grading.

MINE OPENINGS

Regulatory Reference: 30 CFR Sec. 817.13, 817.14, 817.15; R645-301-513, -301-529, -301-551, -301-631, -301-748, -301-765, -301-748.

Analysis:

The Permittee met the minimum requirements of this section. There are five portals at the site. The Permittee developed three portals in June of 1977; therefore, the portals are pre-SMCRA. Since the Permittee use the three portals post-SMCRA, the Permittee reclaimed the portals according to SMCRA standards.

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Two portals were developed in the 1920's and were not used by the Permittee. The entrances the portals were partially collapsed. The Permittee backfilled the portals as part of the reclamation work. The Permittee did not place seals in the portals due to safety concerns.

The Permittee contacted the Utah Abandoned Mine Lands (AML) program for advice and consultation on portal closure. AML conducted a bat survey and determined that the portals/underground workings were not used for bat habitat.

Findings:

The information in the bond release application is adequate to meet the minimum requirements of this section.

ROAD SYSTEMS AND OTHER TRANSPORTATION FACILITIES

Regulatory Reference: 30 CFR Sec. 701.5, 784.24, 817.150, 817.151; R645-100-200, -301-513, -301-521, -301-527, -301-534, -301-537, -301-732.

Analysis:

Reclamation

The Permittee met the requirements of this section. All roads in the area were reclaimed according to the mining and reclamation plan.

Findings:

The information in the bond release application is adequate to meet the minimum requirements of this section.

MAPS, PLANS, AND CROSS SECTIONS OF RECLAMATION OPERATIONS

Regulatory Reference: 30 CFR Sec. 784.23; R645-301-323, -301-512, -301-521, -301-542, -301-632, -301-731.

Analysis:

Bonded Area Map

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The Permittee did not meet the requirements of this section of the regulations. The Permittee must include a map that shows the areas that received bond release, the type of bond release and when the bond release occurred.

Reclamation Backfilling And Grading Maps

The Permittee meet the requirements of this section. Map DS1785D shows the reclaimed surface of the area for which the Permittee sought Phase I bond release. The Permittee also showed the reclaimed area is cross section.

Reclamation Facilities Maps

There are no reclamation facilities on the site.

Reclamation Surface And Subsurface Manmade Features Maps

There are no surface or subsurface manmade features on the site.

Certification Requirements.

The Permittee did not meet the minimum requirements of this section. The Permittee must have each map requiring certification properly certified. The person certifying the maps must place their signature over the seal.

Findings:

The information provided in the bond release application is not considered adequate to meet the requirements of this section. Before approval, the Permittee must provide the following in accordance with:

R645-301-512.130, The Permittee must have the maps properly certified, which requires that each stamp and signature be original.

R645-301-121.200, The Permittee must clearly indicate whether the maps in the bond application package are designs or as-builts. The Division needs the information so that anyone looking at the MRP can quickly see what areas have had bond release.

BONDING AND INSURANCE REQUIREMENTS

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Analysis:

General

The Permittee did not request any bond release for the Phase I bond release on the 0.6 acres associated with the 9th East Portals. Therefore, there are no bonding or insurance issues.

The Permittee did not meet the public notice requirements. The Permittee must include the date when the Division last issued the permit. In addition, the Permittee must remove the statement "PacifiCorp requests that the liability associated with Phase I be released." Because the statement is not totally true and could mislead someone not familiar with the coal rules.

A similar statement in the landowners' letters must also be removed for the same reasons.

The Permittee did not meet the requirements for having a notarized statement about bond release activities. The information in the notarized statement is correct but the statement was not signed and notarized.

Findings:

The information provided in the bond release application is not considered adequate to meet the requirements of this section. Before approval, the Permittee must provide the following in accordance with:

R645-301-880.120, The Permittee must include the in the public notice the date when the Division last issued the mining and reclamation permit.

R645-301-880.130, The Permittee must include a signed and notarized statement as required by R645-301-880.130. The information in the bond release application is correct but not notarized.

R645-301-121.200, The Permittee must remove or clarify the statement about release of liability associated with Phase I bond release. Phase I bond release does not reduce liability. The statement about reducing liability could mislead someone not familiar with the coal rules.

RECOMMENDATIONS:

The Division should deny the request for Phase I bond release until after all of the above-mentioned deficiencies have been addressed.

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